

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

JUDY A. FOSTER,)	
)	
Plaintiff,)	
)	
vs.)	
)	CIVIL ACTION NO. _____
SPRING MEADOWS HEALTH)	
CARE CENTER, LLC,)	JUDGE _____
)	MAGISTRATE _____
)	
Defendant.)	JURY REQUESTED
_____)	

COMPLAINT

Comes now the plaintiff, JUDY A. FOSTER, by and through undersigned counsel, and for complaint against the defendant complains and states as follows:

NATURE OF ACTION

1. Plaintiff JUDY A. FOSTER brings this cause of action under 42 U.S.C. § 2000(e) alleging violations of rights guaranteed under Title VII for discrimination in employment based upon race and under the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621, et seq. for discrimination in employment based upon age.

JURISDICTION AND VENUE

2. Jurisdiction of this Honorable Court is invoked

pursuant to 28 U.S.C. §§ 1331 and 1343. Venue is proper within this district pursuant to 28 U.S.C. §§ 1391(b)(e) and 1402(b) as the unlawful practices occurred in the Middle District of Tennessee. 42 U.S.C. § 2000e - 5(3).

PARTIES

3. The plaintiff, JUDY A. FOSTER, was at all times relevant a citizen and resident of Clarksville, Montgomery Tennessee.

4. The defendant, SPRING MEADOWS HEALTH CARE CENTER, LLC, is a domestic limited liability company formed under the laws of the State of Tennessee. It does business in the State of Tennessee at 220 Highway 76 in Clarksville, Tennessee 37043. Service of process may be had on its registered agent: National Registered Agents, Inc., 2300 Hillsboro Road, Suite 305, Nashville, TN 37212-4927, pursuant to the Tennessee Rules of Civil Procedure Rule 4.04(6), and Federal Rules of Civil Procedure Rule 4(j)(2).

ADMINISTRATIVE HISTORY

5. The plaintiff filed a complaint of discrimination, EEOC Charge Number 423-2010-00321, alleging discrimination in employment on or about November 25, 2009. A Notice of Right to Sue was issued on September 27, 2011 and received on September 29, 2011.

6. This matter is filed within 90 days of receipt of the Notice of Right to Sue and, thus, is timely pursuant to 42 U.S.C.

Section 2000e.

ALLEGATIONS

7. The plaintiff, JUDY A. FOSTER, is a black female. Race is a protected category under Title VII of the Civil Rights Act of 1964, as amended.

8. Plaintiff was at all times relevant over the age of forty (40) and as such was a member of a protected class under the Age Discrimination in Employment Act, 29 U.S.C. § 621, et seq.

9. Plaintiff was employed by Defendant in 2002 as a certified nurse assistant. Plaintiff worked well in this capacity for over seven (7) years.

10. After reporting to work at Defendant facility on October 24, 2009, a ward clerk asked Plaintiff if she would volunteer to leave work without pay as the census was low and too many staff members were working. Plaintiff declined but stated that she would leave the next day if too many staff members were again working and the census remained low. When Plaintiff arrived at work on October 25, 2009, she learned that there were indeed too many staff members present and some would need to leave.

11. Plaintiff left believing that she had permission to do so.

12. On October 28, 2009 Plaintiff was advised that she was terminated for insubordination and walking off the job.

13. Plaintiff alleges that younger white certified nurse assistants who walked off the job were not fired for their conduct.

COUNT I

42 U.S.C. § 2000e

14) Plaintiff incorporates the allegations setforth in numbered paragraphs one (1) through fourteen (14) of the preceding paragraphs of the Complaint by reference herein as if fully setforth verbatim.

15) Plaintiff alleges that the actions of the defendant are in violation of Title VII of the Civil Rights Act of 1964, as amended, as such constitutes unlawful discrimination prohibited by the Act.

16) Plaintiff alleges that as a result of the unlawful actions of the Defendant she has suffered and will continue to suffer damages, to wit: lost wages, lost employment opportunities, compensatory damages for emotional distress, pain and suffering, embarrassment and humiliation.

COUNT II

29 U.S.C. § 621

17) Plaintiff incorporates the allegations setforth in numbered paragraphs one (1) through seventeen (17) of the preceding paragraphs of the Complaint by reference herein as if fully setforth verbatim.

18) Plaintiff alleges that the actions of the defendant are in violation of the Age Discrimination in Employment Act, as amended, as such constitutes unlawful discrimination prohibited by the Act.

19) Plaintiff alleges that as a result of the unlawful actions of the Defendant she has suffered and will continue to suffer damages, to wit: lost wages, lost employment opportunities, compensatory damages for emotional distress, pain and suffering, embarrassment and humiliation.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF JUDY A. FOSTER prays for the following relief:

- A. That service of process issue as to the defendant as set forth in Rule 4 of the Federal Rules of Civil Procedure;
- B. That Plaintiff recover her compensatory damages;
- C. That Plaintiff recover back pay and front pay;
- D. That Plaintiff be awarded her attorney fees and costs incurred in prosecuting this action;
- E. That Plaintiff recover prejudgment and post judgment interest;
- F. That the court award Plaintiff such other, further, general and different relief to which she may show

herself entitled;

G. That a jury be empaneled to try this cause.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Debra A. Wall".

/s/ Debra A. Wall
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